

EXHIBIT 5

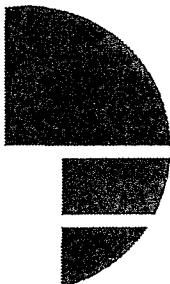
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARY ROZELL,)
)
) Case No.
 Plaintiff,) 05CV 2936
)
 vs.)
)
 COURTNEY ROSS-HOLST, an)
 individual, ANDCO, LLC, a)
 corporation, and NEIL PIROZZI,)
 an individual,)
)
 Defendants.)
 -----)

Tuesday, June 13, 2006
9:58 a.m.

Deposition of KRYSTIN McCAULEY,
held at the offices of Outten & Golden,
LLP, 3 Park Avenue, New York, New York
10016, pursuant to Notice, before Otis
Davis, a Notary Public of the State of
New York.

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1 Krystin McCauley

2 Q. Did you speak to anyone else
3 about Mary Rozell?

4 A. When?

5 Q. When you first started.

6 A. No. I met Mary and she was
7 very pleasant, and I think I asked her to
8 give me an art tour of the apartment,
9 because I really knew nothing about art.

10 No, I don't think I ever spoke
11 to -- there was always things like what's
12 the art department doing. I always heard
13 things, but I didn't speak to anybody about
14 Mary Rozell.

15 Q. When you say "there was always
16 things like what's the art department
17 doing," what do you mean by that?

18 A. Mrs. Ross, sometimes in our car
19 rides, she would say, what's going on with
20 the art department? What does Mary Rozell
21 do? That was sort of a constant theme.

22 Q. Did you answer her?

23 A. No, I didn't work too much with
24 Mary.

25 Q. Was she looking for an answer?

1 Krystin McCauley

2 A. No, I think it was more of a
3 rhetorical question.

4 Q. Did you ever tell Mary that
5 Ms. Ross was wondering what she did?

6 A. I don't think so.

7 Q. Any reason?

8 A. No. I mean, I just didn't --
9 no. It was a rhetorical question. She had
10 a lot of rhetorical questions about a lot
11 of things. So I figured why upset Mary.
12 Maybe she's thinking what does she do, can
13 she do something else, can she help me in
14 other areas. I don't know, so I just
15 figured I'd leave it alone.

16 Q. Did she ever ask that type of
17 question about anyone else at Andco?

18 A. Sometimes she asked that of
19 Bonnie, what does Bonnie do, and I think I
20 was able to answer that a little bit. I
21 think I said Bonnie handles invoices and
22 billing. She asked that about some of the
23 other employees at Ross.

24 Q. What other employees?

25 A. Maybe some teachers there were

1 Krystin McCauley

2 questions.

3 Q. Did you interpret this to be
4 some concern about Mary? How did you
5 interpret these questions?

6 MS. THADANI: Objection.

7 A. Sometimes I would just think
8 they're rhetorical questions. It depends
9 on the context. Sometimes they were
10 probably provoked by something; for
11 instance, if we were in the car riding and
12 we couldn't get Mary on the phone.

13 Q. Did that happen?

14 A. Yeah, it did happen. I don't
15 know when or --

16 Q. Do you know how many times?

17 A. A few. I remember there was
18 something about the Steven J. Ross
19 Foundation list or something, and
20 Mrs. Ross, I think, asked Mary to compile
21 something, because she wanted to donate or
22 however you put it, sponsor a professorship
23 at NYU.

24 So I think she wanted to look
25 back at Harvard to see what she had given

1 Krystin McCauley

2 prior to that conversation was so urgent,
3 but maybe I should have said something in
4 the past.

5 Q. Is there something that you are
6 thinking of that maybe you think you should
7 have said that you didn't say?

8 A. I mean, it's hard to gauge.
9 Not that I can think of specifically right
10 now. Something might come to me.

11 In terms of -- I don't know. I
12 do remember that she said that she would
13 keep notes on Darius, but I didn't really
14 think that that was so urgent, and I never
15 told Darius that. Maybe I should have. I
16 don't know.

17 I didn't think that -- I just
18 didn't think it was something appropriate
19 to bring to Mrs. Ross's attention.

20 Q. When you say you didn't think
21 it was, you are talking about the fact that
22 Mary kept notes on Darius?

23 A. Right.

24 Q. What did Mary say about the
25 notes she kept on Darius?

1 Krystin McCauley

2 A. I think she said that she kept
3 notes on some of Darius' behavior just in
4 case.

5 Q. In case what?

6 A. Just in case whatever, just in
7 case.

8 Q. Did you have any opinion as to
9 how Darius was to work with?

10 A. At first, I found Darius very
11 abrupt. He speaks very load and very
12 slowly sometimes. So at first, I thought
13 maybe -- I didn't know how to deal with
14 him, does he think I'm slow, is that why
15 he's talking so slow and so loud.

16 The more I got used to him, the
17 more I realized that he deals with a lot of
18 housekeepers who don't speak English and he
19 has a lot of directions to give people. So
20 once I kind of figured out his method, I
21 got used to it.

22 Q. Did anyone from Andco report
23 directly to you?

24 A. Not specifically that I know
25 of. There were times where I would have to